

Application Serial No. 10/529,720  
Amendment dated December 18, 2009  
Response to Office Action dated July 28, 2009

**REMARKS**

As may be appreciated from the listing of claims provided above, the claims have been amended herein.

A request for continued examination (RCE) and the fee for the RCE is provided herewith along with a request for a two month extension of time and the fee for this extension of time. Authorization is provided herewith to pay any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-4800.

**I. RESPONSE TO THE REJECTION OF THE PENDING CLAIMS**

Claims 20-21, 23-27, 29-36 and 39-43 were rejected in the Office Action dated July 28, 2009 (hereafter "the Office Action").

Claims 20-21, 23-27, 29-32, 39, 40, and 42-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent Nos. 6,801,540 to Jeong, 6,584,076 to Avaramudan et al. and U.S. Patent Application Publication No. 2001/0002927 to Detampel et al. (Office Action at 4).

Claims 35-36 were rejected as obvious in view of the combination of Jeong, Avaramudan et al., Detampel et al and U.S. Patent Application Publication No. 2001/0043608 to Potter et al. (Office Action at 10).

Finally, claim 41 was rejected as obvious in view of a combination of Jeong, Avaramudan et al., Detampel et al. and U.S. Patent No. 6,819,665 to Pinard. (Office Action at 11).

**A. Burden Of Proving Obviousness Under 35 U.S.C. § 103**

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (emphasis added). "When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight." MPEP § 2143.03. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *Id.* "A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc. depending on the type of prior art reference used and its publication or issue date." MPEP § 2141.01.

To establish a *prima facie* case of obviousness, an Examiner must show that an invention would have been obvious to a person of ordinary skill in the art at the time of the invention. MPEP § 2141. "Obviousness is a question of law based on underlying factual inquiries." *Id.* The factual inquiries enunciated by the Court include "ascertaining the differences between the claimed invention and the prior art" and "resolving the level of ordinary skill in the pertinent art." MPEP § 2141.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." MPEP § 2143.01. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.**" MPEP § 2143.01 (citing *KSR*, 82 USPQ2d at 1396) (emphasis added).

Moreover, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." MPEP § 2143.01. Also, "the proposed modification cannot render the prior art unsatisfactory for its intended purpose." MPEP § 2143.01.

**B. None Of The Cited References Disclose Or Suggest Any Conversion Of Transmission Protocols Or Data Conversion Devices Required By The Pending Claims**

Claim 39 requires a system to include a data conversion device supporting both the first and second data transmission protocols. The first data transmission protocol is different than the second data transmission protocol. The data conversion device converts transmission data between the first and second protocols, and forwards data converted to the first protocol to the selected telephone and/or video conference data processing device, which executes the teleconference among the first and second clients and at least a third one of the clients. Claims 20-21, 23-27, 29-32, 35-36, and 44-46 depend from claim 39 and also contain these limitations. The method of claims 42 and 43 also include limitations that require "forwarding the converted data to the selected telephone and/or video conference data."

None of the cited art teach or suggest a system that includes conversion between different transmission protocols by a conversion device that then forwards the converted data to a telephone and/or video conference data processing device selected to execute a teleconference as required by claim 39. The Examiner specifically cites Aravamudan et al. as disclosing such a conversion device. (Office Action, at 6). To the contrary, there is no such conversation device

disclosed by Aravamudan et al. The system disclosed by Aravamudan et al. only operates using a single call control protocol as may be appreciated at Column 3, line 55.

Aravamudan et al. deals with the selection of a conference unit (conference bridge). The goal of Aravamudan et al.'s system is to keep the costs of a conference call as low as possible. Depending on the location of the participants, the conference unit is selected and may be changed during the call (Col 1, lines 35 - 42, Col 3, 3rd paragraph). All conference bridges are connected to the packet network (figures 1 through 3). No other interface is mentioned. All devices are connected to the system via their own device server (Col. 4, lines 37 - 40), which provides at least a control section (109). This device server acts as a gateway, except the device itself is able to connect to the packet network (Col. 4, lines 40 - 48). This means that the packet network 119 makes use of a unique protocol. Selection of a different conference unit due to an additional participant is performed by the call coordinator (105) and is based on the location of the conferees (Col 1, lines 35 - 42, Col 3, 3rd paragraph, Col. 7, line 62 to Col. 8, line 6). It may end up in a redirection of the related calls. This is done by specifying the IP- address and port (Col. 7, lines 47 - 49). The system disclosed by Aravamudan et al. is based on and presumes a homogeneous network that only utilizes one call control protocol, or one transmission protocol.

Indeed, all the cited art teaches away from the resource control device and conversion device required by the pending claims. The art cited in the Office Action is only concerned with the setting up of a conference call to meet load or quality of service parameters. There is no teaching or suggestion of monitoring the devices processing a teleconference request after that teleconference has been set up. Indeed, the art is silent with respect to any monitoring of the devices after a teleconference has been established.

**C. None Of The Cited Art Teach The Computer Of Claim 41**

Claim 41 requires a computer to include a gatekeeper supporting the first data transmission protocol and a second data transmission protocol that is different than the first data transmission protocol. The gatekeeper converts received data from the second data transmission protocol to the first data transmission protocol and forwards converted data to one of the telephone and/or video conference data processing devices. The computer also includes a resource control device configured to evaluate a selected telephone and/or video conference device to make a determination that a request can no longer be processed by one of the telephone and/or video conference devices and cause another of the telephone and/or video conference data processing devices to take over the request after the resource control device makes the determination.

As discussed above, none of the cited references teach a resource control device nor a transmission protocol conversion of a gatekeeper. Indeed, none of the cited art teach a computer as required by claim 41.

The Examiner also contends that the combination of parts discussed in the cited art could be combined into a computer. However, the cited art being combined requires the different features to be separate devices. For instance, Avaramudan et al. discloses a system that includes numerous separate components. None of the components are integrated together. Indeed, Avaramudan et al. teach that the components should all be separate and located in different positions. Similarly, the system disclosed by Jeong et al. also requires the disclosed system to have separate elements.

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For at least the above discussed reasons, the combination of art cited by the Examiner does not render the pending claims obvious. Indeed, the cited combination of art fails to teach or suggest each and every limitation of the pending claims. As a result, the pending claims are allowable over the cited combination of art.

### **III. CONCLUSION**

For at least the above reasons, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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